

Debra I. Grassgreen (CA Bar No. 169978)
Miriam Manning (CA Bar No. 178584)
PACHULSKI STANG ZIEHL & JONES LLP
150 California Street, 15th Floor
San Francisco, CA 94111
Telephone: (415) 263-7000
Facsimile: (415) 263-7010
E-mail: dgrassgreen@pszjlaw.com
mmanning@pszjlaw.com

David J. Bradford (admitted *pro hac vice*)
Catherine Steege (admitted *pro hac vice*)
Terri L. Mascherin (admitted *pro hac vice*)
Katharine Ciliberti (admitted *pro hac vice*)
JENNER & BLOCK LLP
353 N. Clark St.
Chicago, IL 60654
Telephone: (312) 222-9350
E-mail: dbradford@jenner.com
csteege@jenner.com
tmascherin@jenner.com
kciliberti@jenner.com

*Attorneys for Defendant
Uber Technologies, Inc.*

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

ANTHONY SCOTT LEVANDOWSKI,

Debtor.

ANTHONY SCOTT LEVANDOWSKI, an
individual,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.

Defendant.

Case No. 20-30242 (HLB)

Chapter 11

Hon. Hannah L. Blumensteil

Adv. Pro. No. 20-03050 (HLB)

**UBER TECHNOLOGIES INC.'S
MOTION TO STRIKE OR, IN THE
ALTERNATIVE, MOTION IN LIMINE
TO EXCLUDE REBUTTAL EXPERT
REPORTS AND TESTIMONY OF
BENJAMIN ROSE AND JOSEPH SHAW**

Date: TBD (Pending Stipulation for OST)

Time: TBD

Place: (Telephonic Appearances Only)

United States Bankruptcy Court

450 Golden Gate Ave.

Courtroom 19, 16th Floor

San Francisco, CA 94102

Objection Deadline: TBD

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Uber Technologies, Inc. (“Uber”) hereby moves this Court for an order granting its *Motion to Strike or, in the Alternative, Motion in Limine to Exclude Rebuttal Expert Reports and Testimony of Benjamin Rose and Joseph Shaw* (“**Motion**”) on the basis that the expert reports of Benjamin Rose and Joseph Shaw are untimely and do not constitute proper rebuttal reports in that they do not address or respond to any expert report tendered by Uber. As to Mr. Rose, Uber also moves on the basis that he relies on forensic images that Mr. Levandowski refused to produce in this case.

This Motion is based on the Notice of Motion, the Memorandum of Points and Authorities, the supporting declaration of Katharine Ciliberti and all exhibits thereto, the pleadings from this case on file with the Court, all matters which the Court may take judicial notice and any further evidence or argument that may be made at the hearing on the Motion.

As noted in the accompanying Notice, counsel for Uber, Mr. Levandowski and Google LLC are meeting and conferring on a stipulation asking the Court to shorten the time to brief and have the Motion heard. Uber proposes to have the Motion heard on 24 days- notice instead of 28 days-notice as required by Bankruptcy Local Rule 7007 so that a hearing may be held on **April 22, 2021 at 2:00 PM**.

WHEREFORE, Uber respectfully requests that the Court enter an order (1) granting the Motion in its entirety; (2) striking the reports submitted by Benjamin Rose and Joseph Shaw, or, in the alternative, enter an order *in limine* excluding their testimony at trial; and (3) granting Uber’s such other and further relief as may be appropriate under the circumstances.

1 Respectfully Submitted,

2 Dated: March 29, 2021

PACHULSKI STANG ZIEHL & JONES LLP

3
4 By: /s/ Debra I. Grassgreen

Debra I. Grassgreen
Miriam Manning

5
6 and

JENNER & BLOCK LLP

7 David J. Bradford
8 Catherine Steege
9 Terri L. Mascherin
10 Katharine Ciliberti

Attorneys for Uber Technologies, Inc.